

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

ANGULA YVONNE TORRANCE,
Petitioner,

VS.

DEE ANDERSON, Sheriff,¹
Tarrant County, Texas,
Respondent.

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Civil Action No. 4:09-CV-286-Y

FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND NOTICE AND ORDER

This cause of action was referred to the United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b), as implemented by an order of the United States District Court for the Northern District of Texas. The Findings, Conclusions, and Recommendation of the United States Magistrate Judge are as follows:

I. FINDINGS AND CONCLUSIONS

A. Nature of the Case

This is a petition for writ of habeas corpus by a person in state custody.

B. Parties

Petitioner Angela Yvonne Torrance, Prisoner I.D. No. 0668860, was a pretrial detainee confined in the Tarrant County Cold Springs facility, pending misdemeanor criminal charges in state court, when this petition was filed. Since that time, Torrance has been released from confinement.

Respondent Dee Anderson, is the Sheriff of Tarrant County. No process has issued upon Respondent.

¹Torrance designates Judge Mike Mitchell as Respondent, however the proper respondent is Dee Anderson, Sheriff of Tarrant County, Texas. The clerk of Court is directed to docket and change the designation of the Respondent accordingly.

C. Issues

Torrance claims she has been confined, without bond, in Tarrant County for a non-jailable offense since May 6, 2009. It was confirmed, *via* telephonic communication with the Tarrant County jail administration on May 26, 2009, that Torrance was released from state custody on May 22, 2009.

D. Legal Analysis

Torrance is no longer confined by Tarrant County on pending misdemeanor charges, the charges having been disposed of. Because Torrance has been released from state custody, this Court can no longer provide her with habeas relief. *See Bailey v. Southerland*, 821 F.2d 277, 278-79 (5th Cir. 1987). Torrance has not demonstrated that she is suffering any current collateral consequences stemming from the state criminal prosecution or that she will suffer any collateral consequences in the future. *See Spencer v. Kemna*, 523 U.S. 1, 7-8 (1998). Dismissal of this petition is therefore appropriate as moot based upon Torrance's release. *See Lane v. Williams*, 455 U.S. 624, 632 (1982); *McRae v. Hogan*, 576 F.2d 615, 616-17 (5th Cir. 1978).

II. RECOMMENDATION

It is therefore recommended that Torrance's petition for writ of habeas corpus be DISMISSED with prejudice.

III. NOTICE OF RIGHT TO OBJECT TO PROPOSED FINDINGS, CONCLUSIONS AND RECOMMENDATION AND CONSEQUENCES OF FAILURE TO OBJECT

Under 28 U.S.C. § 636(b)(1), each party to this action has the right to serve and file specific written objections in the United States District Court to the United States Magistrate Judge's proposed findings, conclusions, and recommendation within ten (10) days after the party has been served with a copy of this document. The court is extending the deadline within which to file specific written objections to the United States Magistrate Judge's proposed findings, conclusions,

and recommendation until June 17, 2009. The United States District Judge need only make a *de novo* determination of those portions of the United States Magistrate Judge's proposed findings, conclusions, and recommendation to which specific objection is timely made. *See* 28 U.S.C. § 636(B)(1). Failure to file by the date stated above a specific written objection to a proposed factual finding or legal conclusion will bar a party, except upon grounds of plain error or manifest injustice, from attacking on appeal any such proposed factual finding or legal conclusion accepted by the United States District Judge. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc op. on reh'g); *Carter v. Collins*, 918 F.2d 1198, 1203 (5th Cir. 1990).

IV. ORDER

Under 28 U.S.C. § 636, it is ORDERED that each party is granted until June 17, 2009, to serve and file written objections to the United States Magistrate Judge's proposed findings, conclusions, and recommendation. It is further ORDERED that if objections are filed and the opposing party chooses to file a response, a response shall be filed within seven (7) days of the filing date of the objections.

It is further ORDERED that the above-styled and numbered action, previously referred to the United States Magistrate Judge for findings, conclusions, and recommendation, be and hereby is returned to the docket of the United States District Judge.

SIGNED May 27, 2009.

/s/ Charles Bleil
CHARLES BLEIL
UNITED STATES MAGISTRATE JUDGE